IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5622/2006

MST. JULPHEN & ANR.
Vs.
DISTRICT JUDGE, JHUNJHUNU & ORS.

DATE: 07.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Ms. Daya Sharma for
Mr. M.M. Ranjan for the petitioners.
Mr. Mukesh Agarwal for the respondents.

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This writ petition is directed against the order dated 22.04.2006 passed by the Civil Judge (Jr. Division), Jhunjhunu, whereby the application filed by the plaintiff-respondent under Order 39 Rule 1 and 2 r/w Section 151 CPC has been partly allowed by which the defendant-petitioners are directed to get repair, against which this writ petition has been filed by the petitioners.

This Court vide ex parte interim order dated 13.12.2006 directed to maintain status quo as it exists today so far as the suit property is concerned.

I have heard rival submissions of the respective parties on the application under Article 226

(3) of the Constitution of India as well as on the merits of the case.

Learned counsel for the respondents submits that he is ready to get repair of the foundation but the expenses incurred be borne by the defendant-petitioners.

To this effect, the petitioners can move application before the Court below as the suit is pending and the Court below is directed to decide the application so filed by the petitioners within a period of two months and till then, the parties shall maintain status quo as it exists today. Immediately after passing of the order on the application, the order granted by this Court automatically stands vacated.

With these observations, the writ petition stands disposed of.

The application under Article 226(3) of the Constitution of India also stands disposed of as indicated herein above.

(K.S. RATHORE),J.

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